

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1274

AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 9-29-11-1, AS AMENDED BY P.L.174-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as provided in subsection (c), the main department, office, agency, or other person under whose supervision a law enforcement officer carries on the law enforcement officer's duties may charge a fee that is fixed by ordinance of the fiscal body in an amount not less than five dollars (\$5) **nor more than eight dollars (\$8)** for each report. **However, the main department, office, agency, or other person may not charge a fee that is more than five dollars (\$5) unless the state police department has certified that the main department, office, agency, or other person has submitted its accident reports to the central repository not later than twenty (20) days after completion.**

(b) The fee collected under subsection (a) or (c) shall be deposited in the following manner:

(1) If the department supplying a copy of the accident report is the state police department, in a separate account known as the "accident report account". The account may be expended at the discretion of the state police superintendent for a purpose reasonably related to the keeping of accident reports and records

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or the prevention of street and highway accidents.

(2) If the department supplying a copy of the accident report is the sheriff, county police, or county coroner, in a separate account known as the "accident report account". The account may be expended at the discretion of the chief administrative officer of the entity that charged the fee for any purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents.

(3) If the department supplying a copy of the accident report is a city or town police department, in the local law enforcement continuing education fund established by IC 5-2-8-2.

(c) **Except as provided in subsection (e)**, the superintendent of the state police department, may charge a fee in an amount that is not less than five dollars (\$5) **nor more than eight dollars (\$8)** for:

- (1) each report; and
- (2) the inspection and copying of other report related data maintained by the department.

**(d) The superintendent of the state police department shall biennially tabulate and analyze the costs associated with the state police department maintaining a vehicle crash records system as compared with the costs associated with contracting with a private vendor to provide a vehicle crash records system. The superintendent shall publish the analysis and tabulation in the form of a report. The state police department shall:**

- (1) publish the report biennially beginning on January 30, 2008;**
- (2) provide a copy of the report to the legislative council; and**
- (3) make the report available to the public.**

**The report to the legislative council must be in an electronic format under IC 5-14-6.**

**(e) If the analysis contained in the report described in subsection (d) demonstrates the need for a fee greater than eight dollars (\$8), the superintendent may establish a higher fee by adopting rules under IC 4-22-2.**

SECTION 2. IC 9-29-11.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 11.5. Accident Response Service Fees**

**Sec. 1. As used in this chapter, "accident response service fee" means a fee imposed for any of the following:**

- (1) The response by a local law enforcement agency to a motor vehicle accident.**

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(2) The investigation by a local law enforcement agency of a motor vehicle accident.

**Sec. 2.** As used in this chapter, "local law enforcement agency" means a political subdivision's department or agency whose principal function is the apprehension of criminal offenders.

**Sec. 3.** A political subdivision or a local law enforcement agency of a political subdivision may not impose or collect, or enter into a contract for the collection of, an accident response service fee on or from:

- (1) the driver of a motor vehicle; or
- (2) any other person;

involved in a motor vehicle accident.

**SECTION 3.** [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "committee" refers to the regulatory flexibility committee established by IC 8-1-2.6-4.

(b) Not later than November 1, 2007, the committee shall study the revision of the Indiana statute governing enhanced wireless 911 systems to include Internet Protocol enabled services and other emerging technologies.

(c) The committee shall prepare a report on the committee's recommendations, if any, concerning the issue described in subsection (b) and shall submit the report to the legislative council in an electronic format under IC 5-14-6 not later than December 1, 2007.

**SECTION 4.** [EFFECTIVE UPON PASSAGE] (a) This SECTION applies to:

- (1) the main department, office, agency, or other person under whose supervision a law enforcement officer carries on the law enforcement officer's duties; and
- (2) the state police department.

(b) Notwithstanding IC 9-29-11-1, as amended by this act, if:

- (1) a person to whom this SECTION applies has entered into a contract with a private entity to supply a copy of an accident report before the effective date of this SECTION; and
- (2) the contract authorizes a person to charge more than eight dollars (\$8) for a copy of the accident report;

the eight dollar (\$8) cap on the fee that may be charged for an accident report under IC 9-29-11-1, as amended by this act, does not apply to the persons who are parties to the contract for the duration of the contract.

(c) This SECTION expires July 1, 2012.

**SECTION 5.** An emergency is declared for this act.

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

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